The Southern PATRIOT

Vol. 9, No. 6 | Published by the SCEF, 822 Perdido St., New Orleans, La. | June, 1951

American Law Schools:

OUST JIM CROW MEMBERS!

The Association of American Law Schools, a national accrediting agency, is presently considering an amendment to the articles which would "require abolition of segregation by member schools as a condition of membership in the Association."

This amendment was proposed by the Yale Law School to implement a resolution adopted by the body last year in which it was stated "the AALS opposes the continued maintenance of segregation or discrimination in legal education on racial grounds, and asserts its belief that it is the professional duty of all member schools to abolish any such practices at the earliest practicable time."

Loss of membership would amount to a severe loss in prestige and rank. Consequently many "lily-white" privately endowed schools are opposing the measure.

Among those testifying on behalf of the Yale amendment at hearings held in Washington, D. C., May 16-19, was Dr. James A. Dombrowski, representing the Southern Conference Educational Fund, Inc.

The text of his remarks follows:

I

Permit me to thank the committee for the privilege of making this statement. I come before you as the representative of the Southern Conference Educational Fund, Inc. This corporation, which includes 10 college presidents, deans and professors on its board of directors, has headquarters at New Orleans. Its major purpose is the elimination of segregation and discrimination in the South, with special concern for the field of higher education.

While I cannot speak officially for anyone besides the membership of the Southern Conference Educational Fund, I feel most strongly that I also stand before you as an unofficial spokesman for the "Silent South"—that great body of democratically minded Southerners whose opposition to segregation is often overlooked or suppressed and who have a very deep concern in the actions of this committee.

I wish to speak in support of the thesis that a law school which practices segregation or discrimination on racial or religious grounds cannot maintain adequate standards for the training of students and therefore is unworthy of recognition by an academic accrediting agency such as the American Association of Law Schools.

To quote the trenchant words of Justice Harlan, segregation is "a badge of servitude." It has no place in democratic institutions, and is especially unbecoming in schools where young men and women are asked to believe in "equality before the law."

Segregation makes a deep and lasting impression on the student, distorting the outlook of both the students "favored" and the students discriminated against. Based as it is on the premise of superior and inferior races, it perpetuates the prejudice and discord it professedly seeks to mitigate.

Segregation is a relic, not a standard. To make it an educational policy is to deny basic scientific, moral and political values and, as a result, to deny students the necessary preparation for life in a free, democratic society.

II

If segregation subverts the educational objectives of a university, it also thwarts the purposes of the professional school which is part of that institution. A law school that discriminates cannot, either morally or practically, execute the functions of a law school.

If the absence of Negro, Jewish or Catholic colleagues leads the student to believe that his school has prejudged them and found them unequal and unworthy, how can he be persuaded to hold a proper respect for the integrity of either the teacher or the democratic law he teaches?

Segregation also makes the practical training of the legal student extremely difficult. Justice Vinson in the Sweatt case pointed out that the Negro law

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MR. FRANCIS STURCKEN

The Liquid South, A Prize Oration

Francis Sturcken, student at the College of Charleston, Charleston, S. C., won the Bingham Oratorical award at that school for the third straight year with the delivery last month of the following address:

THE LIQUID SOUTH

My Dear Friends:

The mechanics of choosing a topic for a Bingham Oration are usually quite complex and present a difficult but interesting problem. Throughout the past school year, I have known what I wanted to speak on—The Greatest Failure of American Democracy! The Myth of Equal Opportunity for All!—The Contemptible Legal Fiction, Segregation!

About two weeks ago, I weakened. I felt that so much had been said on the racial question already, I could contribute nothing that might be a good topic. "No," said the Professor standing by, "that subject is taboo."

Well, that was it. Taboo! What a fool I had been. The problem wasn't that too much had been said on racism. Too much has been said, yea, by the wrong people in the wrong places.

I also was advised by a number of

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school in Texas, because it excluded a "substantial and significant" part of the population, was inadequate and inferior to the white school at the University of Texas.

By the same logic, a white school which discriminates must be judged inadequate and inferior to a school that does not. The Southern law school that practices segregation is excluding approximately 25 per cent of the population. Who is prepared to maintain that this 25 per cent which includes many of the jurors, lawyers and clients with whom the white lawyer must later be associated is not "substantial and significant"?

Furthermore, from the ranks of the legal profession come a large proportion of our government officials, local, state and federal. It is obvious that a person cut off from all normal contacts with 25 per cent of the population is not trained psychologically or otherwise to understand or to represent all of the people.

The "separate but equal" formula, drafted in a spirit of weak expediency and callous compromise, has proved a failure since its inception.

We have reached a point of enlightment where it is now our opportunity to right this wrong. It is time to take the counsel of Justice Harlan, himself a Southerner, who wrote a dissenting opinion in the famous Plessy case. He said, in part:

Harlan Opinion

". . . in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights are guaranteed by the supreme law of the land are involved."

III

Other academic and professional societies are re-examining their policies and taking steps to correct past deficiencies.

On May 4th, 1951, this news item appeared in the **New York Times:** "Durham, N. C.—The North Carolina Academy of Science decided today to receive into membership colored scientists with all the professional rights and privileges of other members. The decision was made by voice vote, supporting a recommendation of the academy's executive committee at the group's annual meeting at Duke University. There was a single dissenting vote."

'THE NEWCOMER'
—Photo by Marion Palfi

This is one example of a steady succession of such announcements in the press.

In January of this year the American Nurses Association and the National Association of Negro Graduate Nurses merged. And various state and regional organizations of librarians, sociologists and other professional orders have been meeting in the South for years without segregation.

One of the most widely attended dental clinics in the country is held each year on an integrated basis at Tuskegee. The sessions have proved so productive that the Montgomery, Ala., **Advertiser** asked editorially last month why this professional cooperation between white and colored dentists was not done on a national level.

The Florida Medical Association has now dropped racial barriers to membership.

IV

There is now ample evidence to indicate that a substantial segment of the South would welcome the immediate elimination of segregation in higher education.

Last fall the SCEF conducted a survey which revealed that more than 200 Negro students were enrolled in 21 Southern colleges and universities formerly all-white. And most significantly, in not a single instance that we know of, was there any untoward incident. To those not too familiar with what has been happening in the South, this may come as a surprise.

An SCEF poll of 15,000 college and university teachers of the South revealed that 70 per cent of the 3,422 replies favored admitting Negroes now to existing graduate and professional schools **without segregation.**

In April 1950, the First Southwide Conference on Discrimination in Higher Education was held in Atlanta under the sponsorship of 225 administrators from 116 Southern colleges and universities. In a resolution unanimously adopted, the Conference called for the elimination of segregation and the quota system.

Confidence in Youth

In my opinion segregation in higher education in the South would disappear immediately if the decision were left to the present generation of college youth instead of to their elders. There have been numerous polls of student opinion on this issue, uniformly in favor of eliminating segregation. I will mention only one, selected because it is the most recent and because it comes from a community usually regarded as one of the more conservative in the South, Charleston, South Carolina.

At the College of Charleston, incidentally the oldest municipal college in the United States, there is an annual oratorical contest and the winner is awarded a medal named after its donor, the Bingham medal. A young student by the name of Sturcken has won this contest for the past three years. This year his address was entitled, "The Liquid South". It was a militant plea for an end to segregation. (See reprint of this speech elsewhere in this issue.)

In fields other than higher education there have been gains registered. In compliance with an executive order, all air force installations in the South—including Lackland Field in Texas, the largest in the country—were converted overnight from a policy of rigid segregation to a policy of non-segregation, without difficulty.

There is no trouble on airplanes where there is no discrimination, and in recent months the same is true of railway dining car service in the South. Ten major Southern cities have now opened their main public libraries to Negroes.

The list could be extended at length, but I hope I have cited sufficient evidence to indicate that the South, especially that segment of it concerned with higher education, will respond just as decently and democratically as any other region in the U.S. when it is per-

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THE MERRY MONTH OF MAY

May in Mississippi was "Hospitality Month."

In May, the Liberty Garden Movement was "proclaimed and endorsed by Governor Fielding Wright" because "Mississippi has always done her part in making our nation a healthier, better place in which to live."

In May, Willie McGee was electrocuted in Laurel, Miss., and a crowd of 500 whites standing outside the court house whooped it up with Rebel yells.

Strange fruit in His Excellency's garden!

But these brutal ironies are irrelevant and petty in the face of the crushing legalistic paradox that turned the case of **Mississippi vs. Willie McGee** into the crusade of **Mississippi vs. Communism.**

We observe that that "court of no-appeal," **Time Magazine,** has tried McGee, posthumously, and found him guilty. But by tone and emphasis **Time** indicated that its real culprit was the left-wing support that had rallied to McGee.

And this was the typical target of the press during the long fight through the courts. They did not choose to reflect what social pressures and inequities were indicated by the presence of the state national guard; the exclusion of Negro jurors; the barring of reporters from the courtroom; the threatening and beating of defense attorneys; the mauling and jailing of orderly sympathizers—all incidents in McGee's quest for justice.

They chose to slight the grim statistic which revealed a "due process" dating way before the time Communism became an issue: In the history of Mississippi no white man has ever been electrocuted for rape.

We cannot say whether Willie McGee was innocent or not.

Perhaps, as they contend, by his death a defeat was dealt Communism.

But we do say that at no time did he receive trials in which a Democratic nation can take pride.

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mitted to do so.

However I do not wish to mislead you, or to give too optimistic a picture of the South. It is natural, considering the absence of strong moral leadership and the long conditioning we have had in prejudice and hate, that there will be those in the South who will oppose the course of action now up for your consideration.

No doubt some of them will tell you that the South is not ready, or that it will take more years of preparation. However, such voices are in the small minority; the majority belies them in their quiet and cordial acceptance of each democratic advance. Such counsel betrays little faith in the moral fiber of Southern educators and, in my opinion, is not valid in the face of what has been happening in the past two years.

V

It seems to me that some Southern private schools which are now defending segregation would in truth welcome the assistance of the American Association of Law Schools requiring them to abandon segregation. Threats by such schools to leave the association should not be taken seriously.

In some instances, these threats are merely face-saving expressions by schools which in fact would be gratified at the elevation of the South to the national standard of morality.

In connection with such threats the Southern private schools know that they cannot afford the loss of accreditation which this Association gives them. They will not only lose many Southern students to schools remaining in the Association, but it may be questioned whether they will be able to maintain first class faculties.

Furthermore, many of these private schools are confronted with financial crises which in part may only be solved by opening their doors to the Negro people who constitute twenty-five per cent of the population.

VI

I believe that the decision which the Association of American Law Schools should make is one which provides for the prompt expulsion of any member school which practices segregation based on racial grounds.

There seems to be no reason why immediate compliance with such decision should not be demanded. The Supreme Court in the Sweatt case did not qualify its decision to allow the University of Texas a certain number of years in which to satisfy the Constitutional requirement.

Public opinion in the South accepted the results of the Sweatt case immediately. There is no administrative reason of which I am aware which would justify postponing the effectiveness of a decision of the Association of American Law Schools requiring that segregation be discontinued.

I have expressed the opinion that the threats of secession are merely threats. But even if they should materialize there is no justification for appeasing a weak, backward segment of the law school world for the sake of organizational unity at the expense of the long-suffering Negro people, who have officially been on the conscience of this country at least since 1861.

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my elders that Segregation was too controversial a subject but the fact is that discussion of this vital social question is frequently sidestepped in Southern Colleges and relayed to student bull-sessions.

What my elders didn't seem to realize is that the Christian Democratic point of view on the problem has passed the point of being radical among white college youth. It is no longer misrepresented as favoring Negroes against white people—The term nigger-lover is antiquated!

I can't say exactly when I saw the light, nor do I know its source—education? the influence of friends? morals?

The important thing is that I did, and the emotional uplift that I felt when I no longer had to assume an artificial superiority over the Negro race, was a startling and wonderful experience.

To say that people as individuals are equal would be ridiculous, but to say, contrary to all scientific data, that there is an essential difference among races, would be far worse. If one race has achieved more than another, it is

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